

Underwood, Buddy - OSHA

From: Eric Haskins - (b) (7)(C) @totalearthservices.us>
Sent: Tuesday, May 14, 2019 2:11 PM
To: (b) (7)(C)
Cc: (b) (7)(C); Tony Bonner; (b) (7)(C)
Subject: NUCA Trench Safety Stand Down June 18, 2019 at 1:30 p.m.
Attachments: Prepare for Trench Safety Stand Down.pdf; Trench Safety Stand Down Sign In Sheet.pdf; Trench Safety Meeting Discussion Sheet.pdf; Daily Excavation Check List.pdf; Trench Safety Hand Out for Employees.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon:

We have made it mandatory for all of our jobs to participate in NUCA Trench Safety Stand Down Week. This is Company wide and everyone is expected to participate. We have chosen June 18, 2019 at 1:30 p.m. for the designated time for all of our jobs to stand down and hold a special trench safety tool box meeting. We need to let the supervisors know in advance when this is taking place so that they can plan their job schedule around it on this date and time. (b) (7)(C) will be in charge of making sure that all Florida job sites participate and properly conduct the stand down. (b) (7)(C) will conduct the one in Covington, GA. If there are subcontractors, owners, engineers or others that you would like to invite to participate that will be great. The stand down can be 15-20 minutes or longer if needed to cover materials. Please provide the stand down information attached to this email to supervisors or the person conducting the meeting in advance so that they can be prepared to do the presentation. In addition to the Trench Safety Tool Box Flyer, the supervisors can even conduct an excavation checklist with employees or an equipment inspection with them during this meeting if they so choose. Attached are the following materials to conduct a successful Stand Down Meeting. If you have any questions, please call me.

1. Suggestions to Prepare for Successful Trench Safety Stand Down
2. Sign In Form
3. Trench Safety Tool Box Meeting Topic (Supervisor or conductor covers this Handout during meeting)
4. Excavation Checklist
5. Hand Out Buried Alive: Joe's Story (employees can read onsite or take home to read)
6. For employee discussion – talk about what type of incidents could happen on your job and what may need improving on your job?

Thank you in advance for your assistance and participation in this matter.

I will need the sign in sheets turned in to me after the meeting so that I can fill out our completion form and submit it to NUCA to receive our Company Completion Certificate.

Thanks
Eric Haskins
(b) (7)(C)

Underwood, Buddy - OSHA

From: Tony Bonner (b) (7)(C) @totalearthservices.us>
Sent: Tuesday, May 14, 2019 12:36 PM
To: Underwood, Buddy - OSHA
Subject: Re: informal conference

Yes I never received it. I will complete today and send it back.

Sent from my iPhone

On May 14, 2019, at 10:07 AM, Underwood, Buddy - OSHA (b) (7)(C) @dol.gov> wrote:

I do not have any record of receiving this back from you, so I am assuming you never received it for some reason. Please look it over and return, your last date to contest is May 21, 2019.

Bud Underwood

1851 Executive Center Drive
Suite 221
Jacksonville, FL 32275
904-232-2895 ext (b) (7)(C)
904-232-1294 FAX

<image001.jpg><image002.png><image003.png><image004.jpg> <image005.png>

<ISA Total Earth Services.pdf>

<ISA_Settl'r Total Earth Services.pdf>

U.S. Department of Labor

Occupational Safety and Health Administration
1851 Executive Center Drive, Suite 227
Jacksonville, Florida 32207
Telephone: 904-232-2895
Facsimile: 904-232-1294
Email: jacksonville.osha@dol.gov



Reply to the Attention of: Area Director

May 1, 2019

Total Earth Services, LLC
8470 NE 44th Drive
Wildwood, FL 34785

Inspection: 1371506

Dear Mr. Bonner:

As a result of discussions between representatives of OSHA and your company, I understand that we have reached a tentative agreement resolving disputed citations, penalties and abatement dates.

You have indicated that you are willing to sign the settlement agreement we reached verbally on May 1, 2019. Attached to this letter is a written document reflecting the agreement. As an authorized company official, the agreement requires your signature and date, and it must be emailed back to the Jacksonville Area Office on or before **May 20, 2019**. The Area Director will sign the agreement to make this agreement binding. We will fax a copy of the agreement to you after the Area Director signs it.

If you agree with the terms as set forth, please sign the agreement, without change, date it and return it to the Area Office. Any change will render the document invalid unless such change is accepted by the Area Director before the date of final order.

If, after further consideration, you decide not to sign the proposed settlement agreement, the citations, penalties and abatement dates as previously issued will become a final and unappealable order unless you file, before the date of the contest date **May 20, 2019**, a written notice of your intent to contest the citations and penalties formally before the Occupational Safety and Health Review Commission.

Please note that any notice of intent to contest must be in writing. Any oral statements of dissatisfaction with the citations or penalties which you may have expressed to OSHA personnel do not constitute a formal notice of contest.

If you have any questions regarding any of the matters discussed in this letter, please contact me at your earliest convenience.

Sincerely,

Bud Underwood

Bud Underwood
Assistant Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
1851 Executive Center Drive, Suite 227
Jacksonville, Florida 32207-2350
Telephone: 904-232-2895
Facsimile: 904-232-1294



Reply to the Attention of Area Director

VIA E-MAIL:

January 18, 2019

Robert Rinker
Total Earth Services, LLC
8470 NE 44th Drive
Wildwood, FL 34785

Mr. Rinker:

Please accept this correspondence as a formal request for information related to the investigation conducted on January 11, 2019.

Please provide the following documentation and information regarding the jobsite located at:

- 1601 SW Archer, Gainesville, Florida 32608
- 1. A copy of any contract or agreement between Total Earth Services, LLC and Oelrich Construction, Inc. for the work performed.
- 2. Copy of Total Earth Services, LLC's OSHA 300 logs for 2015, 2016, and 2017.
- 3. Copy of Total Earth Services, LLC's written safety and health program or any workplace rules pertaining to safety.
- 4. Copy of Total Earth Services, LLC's daily job briefings for the jobsites listed below:
 - 1601 SW Archer, Gainesville, Florida 32608
- 5. Copy of all Total Earth Services, LLC's training records, including, but not limited to, tool box talks, on the job training, or any OSHA certification courses for all employees that were on the jobsite the day of the accident, concerning, but not limited to, general safety, excavations, and ladder safety for employees.
- 6. Copy of any and all documentation that pertains to Total Earth Services, LLC's internal safety inspections, safety observations, or safety monitoring of jobsites.
- 7. Copy of all disciplinary records for Total Earth Services, LLC's employees violating company rules.

8. Copy of the crew list or names of Total Earth Services, LLC's employees, including job titles, working at the jobsites and dates listed below:

- 1601 SW Archer, Gainesville, Florida 32608, January 11, 2019.

Please e-mail, fax, mail, or hand deliver the information requested above to me no later than **close of business, Friday, January 25, 2019**. If your establishment is lacking any of the above items, please note on the return documents that your establishment does not maintain those documents. If more administrative items are needed, your office will be contacted.

In accordance with Section 17(g) of the OSH Act, any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the Act can be punished by fine and/or imprisonment.

If you have any questions regarding this request for documentation or the contents of this letter then I encourage you to contact me directly at: (904) 232-2895, ex (b) (7) (C) or by email at (b) (7)(C)

Thank you for your cooperation in this matter.

Sincerely,

(b) (7)(C)

From: (b) (7)(C) [OSHA](#)
To: (b) (7)(C) totalearthservices.us
Subject: OSHA Investigation #1371506 - Total Earth Services, LLC
Date: Friday, January 18, 2019 8:43:00 AM
Attachments: [Information Requested via email from Employer.doc](#)

Please see the following attachment.

(b) (7)(C)

OSHA-Jacksonville Area Office

904-232-2895 ph (b) (7)(C)

904-232-1294 fax (b) (7)(C)

(b) (7)(C)

From: Robert Rinker
To: (b) (7)(C) OSHA
Subject: RE: OSHA Investigation #1371506 - Total Earth Services, LLC
Date: Friday, January 18, 2019 9:00:59 AM
Attachments: [image002.png](#)

Received
Have a good weekend

Robert Rinker

(b) (7)(C)

www.totalearthservices.us



Total Earth Services, LLC

8470 NE 44th Drive
Wildwood, FL 34785
O: 352-415-4888
F: 352-300-1126

Fro (b) (7)(C) @dol.gov>
Sent: Friday, January 18, 2019 8:43 AM
To: Robert Rinker (b) (7)(C) @totalearthservices.us>
Subject: OSHA Investigation #1371506 - Total Earth Services, LLC

Please see the following attachment.

(b) (7)(C)

OSHA-Jacksonville Area Office
904-232-2895 ph (b) (7)(C)
904-232-1294 fax

(b) (7)(C)

From: (b) (7)(C)
To: (b) (7)(C) [OSHA](#)
Subject: RE: VA573-14-600 Replace Boilers - OSHA Training Cards for TES Staff
Date: Tuesday, January 29, 2019 4:28:21 PM
Attachments: [image001.jpg](#)

Good Afternoon,

I had to call the Police Chief to finally get a response about the cameras on the loading dock.

The Police Officer reviewed the date the incident occurred and stated "The camera most likely to have caught anything was pointed straight down".

Thank You

(b) (7)(C)

North Florida/South Georgia Veterans Health System
FMS 138
1601 S. W. Archer Road
Gainesville, Florida 32608

(b) (7)(C)

(b) (7)(C)

From: (b) (7)(C)
Sent: Thursday, January 17, 2019 12:58 PM
(b) (7)(C)

RE: VA573-14-600 Replace Boilers - OSHA Training Cards for TES Staff

OSHA training certificates for the staff onsite the day of the incident.

From: (b) (7)(C)
Sent: Thursday, January 17, 2019 12:57 PM
To: (b) (7)(C)
Subject: FW: VA573-14-600 Replace Boilers - APP Review and Approval

Good Afternoon (b) (7)(C)

I don't know quite what this is, it is absolutely not an acceptable incident abatement response, but I wanted to be sure you received something since we discussed it. They said that we would get their formal investigation from the Safety Consultant.

Here is the Safety Plan for Greenland as well.

I called the Fire Department and requested they email me the report, and emailed the VA Police (two Staff Members) and requested the camera information.

Thank You

(b) (7)(C)

North Florida/South Georgia Veterans Health System
FMS 138
1601 S. W. Archer Road
Gainesville, Florida 32608
(b) (7)(C)

(b) (7)(C)

From:

Sent: Thursday, January 17, 2019 8:45 AM

To:

(b) (7)(C)

Subject: RE: VA573-14-600 Replace Boilers - APP Review and Approval

Good Morning

(b) (7)(C)

Attached is the response from Greenland to the below email.

Please review and let me know if acceptable so I can assign a VA approval in the contractor's project logs (submittal).

(b) (7)(C)

From:

(b) (7)(C)

Sent: Monday, November 26, 2018 4:26 PM

To:

(b) (7)(C)

Subject: RE: VA573-14-600 Replace Boilers - APP Review and Approval

Lock Out Tag Out – Their Plan provided to us for review

- 30. All electrical work shall be performed in accordance with the National Electric Code

Fall Protection – Nothing in document

- Roofing operations shall have protection gear or edge protection provided.

Spill Clean-up/containment Mechanism for this site

- Did you receive a spill plan

Hear stress – No plan here

(b) (7)(C)
From: (b) (7)(C)
Sent: Wednesday, November 14, 2018 8:38 AM
(b) (7)(C)
Subject: FW: VA573-14-600 Replace Boilers - APP Review and Approval

Good Morning (b) (7)(C)

I know you are very busy, but have had the chance to review the attached APP? If not, when can you complete and return to me?

Cheers
(b) (7)(C)

(b) (7)(C)
From: (b) (7)(C)
Sent: Friday, November 02, 2018 10:56 AM
To: (b) (7)(C)
Subject: VA573-14-600 Replace Boilers - APP Review and Approval

(b) (7)(C)

Please review the attached APP. Let me know of your approval or comments. Like to have your response back to me by next Thursday, 11/08/18.

Cheers,
(b) (7)(C)



Thank you for your time and efforts in serving our Veterans.

(b) (7)(C)

Engineering Projects Section (138P)
1601 SW Archer Road
Gainesville, FL 32608

(b) (7)(C)

Fax: (352) 374-6028

E-mail: (b) (7)(C)

TES

TOTAL EARTH SERVICES, LLC

January 25, 2019

(b) (7)(C)

OSHA
1871 Executive Center
Suite 227
Jacksonville, FL 32207-2350

RE: VAMC Boiler Replacement Job
1601 SW Archer
Gainesville, FL 32608
Job#18-1121

(b) (7)(C)

The following is a response to your letter dated January 18, 2019, requesting information related to the investigation of the above referenced:

1. Contract between Total Earth Services, LLC and Oelrich Construction, Inc. attached.
2. Total Earth Services, LLC, did not file OSHA 300 Logs for 2015, 2016, and 2017, because it had ten (10) or fewer employees. We will be filing OSHA 300 Log for year 2018.
3. Copy of our Safety Manual attached.
4. None
5. Copy of OSHA Cards for employees on this job the day of the accident attached.
6. None
7. None
8. Crew List on Jobsite date of accident: Jeff Lennon – Supervisor/Foreman; (b) (7)(C)

Sincerely,


Eric Haskins
Safety Manager

8470 NE 44th Drive
Wildwood, FL 34785
(b) (7)(C) F: 352-300-1126

U.S. Department of Labor
Occupational Safety and Health Administration
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207



Citation and Notification of Penalty

To:
Total Earth Services, LLC
8470 NE 44th Drive
Wildwood, FL 34785

Inspection Number: 1371506
Inspection Date(s): 01/11/2019 - 04/09/2019
Issuance Date: 04/18/2019

Inspection Site:
1601 SW Archer
Gainesville, FL 32608

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 904-232-2895. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/18/2019. The conference will be held by telephone or at the OSHA office located at 1851 Executive Center Drive, Suite 227, Jacksonville, FL 32207 on _____ at _____.

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Total Earth Services, LLC
Inspection Site: 1601 SW Archer, Gainesville, FL 32608
Issuance Date: 04/18/2019

Inspection Number: 1371506

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1851 Executive Center Drive, Suite 227, Jacksonville, FL 32207**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1371506
Inspection Date(s): 01/11/2019 - 04/09/2019
Issuance Date: 04/18/2019



Citation and Notification of Penalty

Company Name: Total Earth Services, LLC
Inspection Site: 1601 SW Archer, Gainesville, FL 32608

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section:

- a. On or about January 10, 2019, in a 16 foot deep excavation, an employee was not protected from cave-in, by the use of a protective system, exposing an employee to engulfment hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$9282.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1371506
Inspection Date(s): 01/11/2019 - 04/09/2019
Issuance Date: 04/18/2019



Citation and Notification of Penalty

Company Name: Total Earth Services, LLC
Inspection Site: 1601 SW Archer, Gainesville, FL 32608

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1926.651(j)(2): Employees were not protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations, or by a combination of both if necessary:

a. On or about January 10, 2019, an employee was working in a 16-foot deep excavation, where the spoil pile was placed on the leading edge of the excavation, exposing employees to being struck by the material.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

A handwritten signature in black ink, appearing to read "Michelle Gonzalez", written over a horizontal line.

Michelle Gonzalez
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207



INVOICE / DEBT COLLECTION NOTICE

Company Name: Total Earth Services, LLC
Inspection Site: 1601 SW Archer, Gainesville, FL 32608
Issuance Date: 04/18/2019

Summary of Penalties for Inspection Number	1371506
Citation 1, Serious	\$9282.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$9282.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


Michelle Gonzalez

Area Director

04/18/19
Date

Inspection Number

Inspection #1371506, Total Earth Services, LLC

SAFETY NARRATIVE

Total Earth Services, LLC is a civil works company located at 8470 NE 44th Drive, Wildwood, FL 32785. They registered with the Florida Department of State's Division of Corporations on June 1, 2016. The company currently employs (b) (4) employees. The company employs a multitude of trades/crafts to include but not limited to heavy equipment operators, competent people in excavations, pipe layers, and general un-skilled labor. The company is subject to the Interstate Commerce Act of 1887 as it purchases and provides materials, supplies and other goods which have been transported, received, delivered, stored, or handled from other states or foreign countries.

COVERAGE INFORMATION:

This inspection was initiated by the Assistant Area Director, by assignment, from a referral #1415797. The CSHO went to the job site, introduced himself and presented his credentials. The CSHO requested to speak with the most senior person present or the most senior safety professional on duty. The CSHO explained the reason for the inspection and that OSHA has a National Emphasis Program for Excavations (NEP). The opening conference was held onsite with the following:

Name	Title	Company
Jeff Lennon	Supervisor	Total Earth Services, LLC

NATURE AND SCOPE

Check Applicable Boxes and Explain Findings:

- | | |
|-------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> | Planned Inspection – NEP in Excavations |
| <input checked="" type="checkbox"/> | Accident investigation summary |

**Accident Investigation Narrative
Total Earth Services**

OSHA Inspection No. 1371506

Injured employee

(b) (7)(C)

Employer – Total Earth Services, LLC

Witness/Employees in vicinity:

Jeff Lennon

Title – Supervisor

Employer – Total Earth Services, LLC

(b) (7)(C)

Employer – Total Earth Services, LLC

Robert Weiner

Title – Superintendent for General Contractor

Employer – Greenland Enterprises, Inc. of Florida

(b) (7)(C)

Employer – Oelrich Construction, Inc.

OSHA Notification

On January 11, 2019, at approximately 8:30 a.m., the Jacksonville Area Office received a referral regarding an excavation that caved in. The accident occurred the day before at Veterans Administration, Malcolm Hospital located at 1601 SW Archer Road, Gainesville, Florida. The accident occurred January 10, 2019 at about 9:17 a.m. The injured employee was transported to UF SHANDS Hospital and kept overnight for observation.

Day of Accident:

On or about January 10, 2019 at about 9:17 a.m. on a Greenland Enterprises, Inc. of Florida joint venture project, an employee of a 2nd tier subcontractor, Total Earth Services, LLC (TES), was caught in a cave in. The 2nd tier subcontractor, TES, was digging an exploratory hole looking for the depth of groundwater. An employee of TES climbed down into the excavation using an extension ladder. While standing on the extension ladder the employee held the grade rod so that his supervisor could take the elevation. When the employee began to climb up the ladder he lost his hard hat, in the bottom of the excavation. The employee began climbing further down into the excavation

when the side wall of the excavation collapse, burying the employee 2.5 feet under the dirt.

Findings:

The excavation did not contain any protective devices such as shoring or a trench box to protect the employee while working in the excavation. The spoil pile was located on the edge of the excavation, directly above the side of the wall that collapsed. The employee's supervisor and the superintendent of the general contractor had actual knowledge the employee had entered the excavation using the ladder.

Pending Violations

The employer is being cited for violations of the following OSHA standards:

29 CFR 1926.651(j)(2): Employees were not protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations, or by a combination of both if necessary:

29 CFR 1926.652(a)(1): Each employee in an excavation is not protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section.

NATURE AND SCOPE – UNUSUAL CIRCUMSTANCES (Mark X and explain all the apply:)

☒ None

☐ Denial of entry

Comments:

A search of the Intergraded Management Information System (IMIS) indicates that Total Earth Services, LLC does not have a history with OSHA.

OPENING CONFERENCE NOTES:

During the opening conference, the CSHO explained the national emphasis program in excavations.

The CSHO discussed the employer information on employer rights OSHA 3000, 11(c) of the act, the need for photographs, interviews, and requesting documentation from the company, i.e.; business cards, safety and health plan, 300, 300A, and 301 record keeping logs for years 2017, 2016, 2015. The CSHO discussed the line items on the opening conference checklist incorporated as part of this case file.

EVALUATION OF EMPLOYER'S OVERALL SAFETY AND HEALTH PROGRAM

Construction Industry:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Accident Prevention Program
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Written
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Copy in file

Evaluation of Safety and Health Program

(0=Nonexistent 1=Inadequate 2=Average 3=Above average)

2-☐ Written S&H Program
1-☐ Communication to Employees
0-☐ Enforcement
1-☐ Safety Training Program

CLOSING CONFERENCE NOTES:

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected contest and/or negative employer attitude? If yes, explain below.

☐ Yes ☒ No

Comments: On January 28, 2019 and again on April 9, 2018, the CSHO conducted the Closing Conference. The CSHO discussed the line items on the closing conference checklist incorporated as part of this case file. CSHO briefly explained excerpts of the OSHA 3000 Employer Rights and Responsibilities Booklet, Freedom of Information Act (FOIA), Small Business Administration (SBA) Ombudsman Letter and the University of South Florida (USF) Consultation program. The Closing Conference checklist that was used as a guide for this conference has been incorporated into this case file for reference.

19. Closing Conference Checklist ("x" as appropriate)

<input type="checkbox"/>	No Violations Observed
<input checked="" type="checkbox"/>	Reviewed Hazards & Standards

- | | |
|---|-------------------------------------|
| X | Discuss Employer Rights/Obligations |
| X | Encouraged Informal Conference |
| X | Offered Abatement Assistance |
| X | Discussed Consultation Programs |

U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/16/2019

Inspection Number		1371506	
Opt. Insp. Number			
Establishment Name	Total Earth Services, LLC		
DBA Name			
Type Of Violation	Serious	Citation Number	1
Number Exposed	1	No. Instances	1
Special Enforcement?		Employer's Relationship to Hazard	REC
Standard	1926.652(a)(1)		
Substance Codes		Photo/Video Number	
Alleged Violation Description	<p>29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section:</p> <p>a. On or about January 10, 2019, in a 16 foot deep excavation, an employee was not protected from cave-in, by the use of a protective system, exposing an employee to engulfment hazards.</p>		
Recommended Abatement Action			

Penalty

Severity	High		
Severity Justification	16 feet deep		
Probability	Greater		
Probability Justification	The excavation caved in on the employee		
Gravity	High	Size	30%
Gravity based Penalty	13260.00	Good Faith	0%
Num Times Repeated		History	0%
Multiplier		Quick Fix	0%
Calculated Penalty	9282.00	Proposed Penalty	9282.00
Proposed Penalty Justification:			

Abatement Details

Days to Abate		Abatement Status	Corrected During Inspection
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User-entered Abatement Due Date		Date Abated	01/11/2019
Abatement Documentation Required?	No	Date Verified	01/11/2019
Abatement Completed Description:	The excavation was filled in.		

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone	Duration	Frequency	Proximity
a	1	Total Earth Services, LLC	(b) (7)(C)	5.00 minute	Once	

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** On January 10, 2019, an employee of Total Earth Services, LLC was working in an excavation without the use of cave in protection. The company was digging an excavation to determine the depth of groundwater. The supervisor for TES instructed the employee to enter the excavation via an extension ladder and hold the grade rod. After the elevation was shot, while handing the grade rod to his co-worker, the employee's hard hat fell into the deepest part of the excavation. The employee descended further down the ladder to retrieve the hat when the wall of the excavation collapsed, engulfing the employee 2.5 under the soil.

b) **Equipment:** 420F Caterpillar excavator, extension ladder, grade rod

c) **Location:** 1601 SW Archer, Gainesville, Florida

d) **Injury/Illness (and Justifications for Severity and Probability):** Death, Fractures, abrasions, lacerations

e) **Measurements:** 16 feet deep, measurement given to the CSHO by the Supervisor onsite for TES, LLC.

Sample of soil was taken and sent to OSHA's Salt Lake City Lab, Type "C" soil

Measurements taken by the CSHO a day after the excavation caved in are as follows:

11 feet 3 inches deep, 17 to 13 feet wide, and 85 to 49 degree slope measurements taken using a trench rod and angle indicator

Type "C" soil, sample sent to Salt Lake City Lab

23. Employer Knowledge: Jeff Lennon (Supervisor/Competent person) works onsite each day every day to oversee the daily operations of the project. He has worked for the company 10 months and has worked in the industry for the past 30 years. He has taken the OSHA 10 and 30 hour courses. He is the competent person onsite for the company. He admitted he knew the excavation was 15 to 16 feet deep. He stated "it is type C soil". Mr. Lennon admitted that they were not using cave in protection.

24. Comments: Robert Rinker (Project Manager/Estimator) has worked for the company for the past 3 years. Mr. Rinker admitted he told the field superintendent to tell Mr. Lennon, they needed to see if there was groundwater at 18 feet. When asked who told Mr. Lennon where to dig the hole, Mr. Rinker stated, "we told him in the general proximity of where the tunnel has to be." He admitted Mr. Lennon has the authority to stop work, correct hazards, and remove employees from a jobsite.

Mr. Rinker admitted the company does not have documentation of unannounced inspections. He stated that when he goes out, if he sees something, he will say something.

25. Other Employer Information:



Inspection No.

1371506

1. Photo ID No.

768

2. Date & Time

01/11/2019

3. Citation No.

4. Item No.

5. Instance No.

6. Description

Overall view of the excavation

(b) (7)(C)



1. Photo ID No.

770

2. Date & Time

01/11/2019

3. Citation No.

4. Item No.

5. Instance No.

6. Description

Another view

(b) (7)(C)

Photo Mounting Worksheet

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection No. 1371506		
1. Photo ID No. 773	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description
Another view showing the ladder

(b) (7)(C)



1. Photo ID No. 776	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description
Showing the bottom of the ladder
caved in.

(b) (7)(C)

Photo Mounting Worksheet

U.S. Department of Labor
Occupational Safety and Health Administration



Inspection No. 1371506		
1. Photo ID No. 778	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description
View of the excavation after the
cave in

(b) (7)(C)



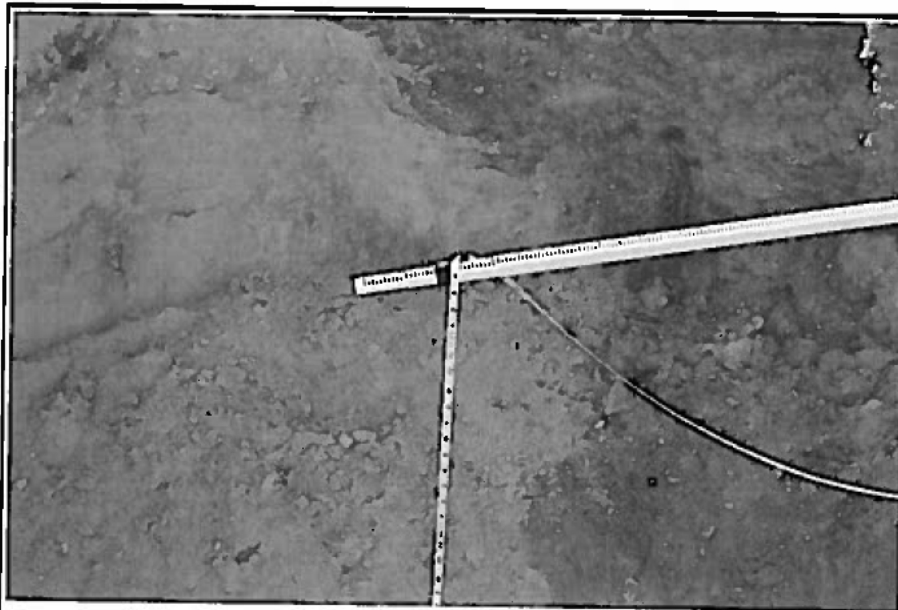
1. Photo ID No. 794			2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.		

6. Description
Measurement of depth

(b) (7)(C)

Photo Mounting Worksheet

U.S. Department of Labor Occupational Safety and Health Administration



Inspection No. 1371506		
1. Photo ID No. 796	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description 11 feet 4 inches deep

(b) (7)(C)

1. Photo ID No.	2. Date & Time	
3. Citation No.	4. Item No.	5. Instance No.

6. Description

(b) (7)(C)

U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/16/2019

				Inspection Number		1371506	
				Opt. Insp. Number			
Establishment Name	Total Earth Services, LLC						
DBA Name							
Type Of Violation	Other-than-Serious	Citation Number	2	Item/Group	1 /		
Number Exposed	1	No. Instances	1	REC			
Special Enforcement?				Employer's Relationship to Hazard	All		
Standard	1926.651(j)(2)						
Substance Codes				Photo/Video Number			
Alleged Violation Description	<p>29 CFR 1926.651(j)(2): Employees were not protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations, or by a combination of both if necessary:</p> <p>a. On or about January 10, 2019, an employee was working in a 16-foot deep excavation, where the spoil pile was placed on the leading edge of the excavation, exposing employees to being struck by the material.</p>						
Recommended Abatement Action							

Penalty

Severity	Minimal		
Severity Justification			
Probability	Lesser		
Probability Justification			
Gravity		Size	30%
Gravity based Penalty	0.00	Good Faith	0%
Num Times Repeated		History	0%
Multiplier		Quick Fix	0%
Calculated Penalty	0.00	Proposed Penalty	0.00
Proposed Penalty Justification:			

Abatement Details

Days to Abate		Abatement Status	Corrected During Inspection
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User-entered Abatement Due Date		Date Abated	01/11/2019
Abatement Documentation Required?	No	Date Verified	01/11/2019
Abatement Completed Description:	The excavation was filled in with the spoil material.		

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
a	1	Total Earth Services, LLC	(b) (7)(C) [Redacted] Fax:	00 minute	Once	at/near the point of hazard

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** On January 10, 2019, an employee of Total Earth Services, LLC was working in an excavation without the use of cave in protection. The company was digging an excavation to determine the depth of groundwater. The supervisor for TES instructed the employee to enter the excavation via an extension ladder and hold the grade rod. The spoil that was excavated was placed on the edge of the excavation.

b) **Equipment:** 420F Caterpillar excavator, extension ladder, grade rod

c) **Location:** 1601 SW Archer, Gainesville, Florida

d) **Injury/Illness (and Justifications for Severity and Probability):** Fractures, abrasions, lacerations

e) **Measurements:** 7.5 feet high spoil pile. High of spoil pile was calculated using the angle of 50 degrees and the 10 feet hypotenuse side of the triangle. Type "C" soil, sample sent to Salt Lake Lab.

23. **Employer Knowledge:** Jeff Lennon (Supervisor/Competent person) works onsite each day every day to oversee the daily operations of the project. He has worked for the company 10 months and has worked in the industry for the past 30 years. He has taken the OSHA 10 and 30 hour courses. He is the competent person onsite for the company. He stated, "The spoil pile was right on the edge." He admitted that he thought it was supposed to be four feet from the edge.

24. **Comments:**

25. Other Employer Information:



Inspection No. 1371506		
1. Photo ID No. 768	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description
View of the spoil pile on the edge

(b) (7)(C)



1. Photo ID No. 770	2. Date & Time 01/11/2019	
3. Citation No.	4. Item No.	5. Instance No.

6. Description
Another view of the spoil pile on the edge.

(b) (7)(C)

Photo Mounting Worksheet

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection No.

1371506

1. Photo ID No.

773

2. Date & Time

01/11/2019

3. Citation No.

4. Item No.

5. Instance No.

6. Description

Another view with arrow showing
the spoil pile

(b) (7)(C)

1. Photo ID No.

2. Date & Time

3. Citation No.

4. Item No.

5. Instance No.

6. Description

C3073

1. had an @ 10', we told him
2. in the proximity of where
3. the tunnel has to be. I could
4. have told me that.
5.
6. Tell a the work. He can collect
7. means. He has the authority to
8. remove an employee w/ permission.
9. He would not need to enter the
10. hole. He is to be accident
11. Don't know when he was hit
12. killed.
13.
14. we did include the danger in
15. the proposal. They should be
16. go get report after we
17. got the job. If we could
18. have tunnel under we could
19. have submitted a change order.
20.
21. we only do the hole to see if
22. when it's there.
23.
24. Since Ken did a power @ 10' D
25. but the had trench safety now.
26.
27. I can't say for sure if we do
28. unannounced insp. If I go in the
29. field and see something, I will say
30. something. As long as they are do
31. audits they are working safe.
32. Our track record demonstrates that we make an effort to ensure

1. a safe work environment. I visit projects 2-3 times per week
2. and if I see something unsafe I'll get the foreman or supervisor
3. to correct it. These unannounced inspections are not being
4. documented.
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Choose one of the first two (2) statements:

RL Initial I have read and understand the foregoing statement of 5 pages. I have been given the opportunity to make corrections. Each page is numbered. I have initialed each correction and initialed or signed each page.

OR

____ Initial The foregoing statement of ____ pages has been read to me. I have been given the opportunity to make corrections. Any corrections have been read back to me. Each page is numbered. I have initialed each correction and initialed or signed each page.

AND

RL Initial (Applies to all) I declare under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge. I understand it is a felony under 18 U.S.C. § 1001 to knowingly and willfully make a false statement or omit material facts in relation to a federal investigation.

Review this statement with the Interviewee: I request that my statement be kept confidential to the extent allowed by law

- OR -

(Interviewee's Initials) I waive confidentiality.

RL
Interviewee's Signature

4/9/19
Date

CSHO Signature

Date



Initials: RL Page 3 of 3

United States of America
Department of Labor
Occupational Safety and Health Administration



1/5/12
Ming

(**THIS STATEMENT DOES NOT APPLY TO MANAGEMENT,**) I understand that this statement will be held in confidence until such time as I may be called to testify in a court proceeding, at which time it may be produced upon demand of opposing counsel. Additionally, this statement may be made available to other agencies if it will assist them in the performance of their statutory functions. This statement may be subject to disclosure only in accordance with applicable statute(s) and agency policy. Initial (**THIS STATEMENT DOES NOT APPLY TO MANAGEMENT,**) *[Handwritten: X]*

11(c)(1) of OSH Act: No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act. Initial (Applies to all) *[Handwritten: X]*

Name: *[Handwritten: Jeff Larson]*

(b) (7)(C)

(b) (7)(C)

I am/was (circle one) employed by: *[Handwritten: TCS]* From: _____ to: _____

Position: _____ Time in Position: _____ Supervisor: _____

I hereby swear or affirm and say:

1. *[Handwritten: I got a call from our assist project*
2. *[Handwritten: Ming (Mo Paquette) that our project*
3. *[Handwritten: manager (Robert Rinken) wanted me*
4. *[Handwritten: to dig a test hole. We started out*
5. *[Handwritten: doing some work. When I changed*
6. *[Handwritten: what we were doing I saw Bob*
7. *[Handwritten: coming across the parking lot I*
8. *[Handwritten: went and told Bob what we were*
9. *[Handwritten: doing he came over we were digging*
10. *[Handwritten: the hole at this time. When we*
11. *[Handwritten: finished digging the hole Bob helped*
12. *[Handwritten: us to be filled. Bob told us*

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had lost a ladder doing that. (b) (7)(C)
came up he was on that phone and
were not in the back yet. Bob
was there when (b) (7)(C) entered the
hole. As to him to be held as
not to do that, it took 20
to 30 min to do the hole. When
I took the sheet the back gate
was it look like they SCATTERING.
They took a couple of days we
were in panic. (b) (7)(C) said
the 711 we stopped taking the
sign walk he saw me I had
a move to back her.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Choose one of the first two (2) statements:

Initial I have read and understand the foregoing statement of 5 pages. I have been given the opportunity to make corrections. Each page is numbered. I have initialed each correction and initialed or signed each page.

OR

Initial The foregoing statement of pages has been read to me. I have been given the opportunity to make corrections. Any corrections have been read back to me. Each page is numbered. I have initialed each correction and initialed or signed each page.

AND

Initial (Applies to all) I declare under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge. I understand it is a felony under 18 U.S.C. § 1001 to knowingly and willfully make a false statement or omit material facts in relation to a federal investigation.

Review this statement with each witness: I request that my statement be kept confidential to the extent allowed by law – **OR** – initial here to waive confidentiality.

(b) (7)(C)

Jeff Turner
Signature of Interviewee

Date

Date

United States of America
Department of Labor
Occupational Safety and Health Administration



(**THIS STATEMENT DOES NOT APPLY TO MANAGEMENT.**) I understand that this statement will be held in confidence until such time as I may be called to testify in a court proceeding, at which time it may be produced upon demand of opposing counsel. Additionally, this statement may be made available to other agencies if it will assist them in the performance of their statutory functions. This statement may be subject to disclosure only in accordance with applicable statute(s) and agency policy. Initial (**THIS STATEMENT DOES NOT APPLY TO MANAGEMENT.**) *MA*

11(c)(1) of OSH Act: No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act. Initial (Applies to all) (b) (7)(C)

Name: Robert L. HARRIS Address: [REDACTED]

(b) (7)(C)

I am/was (circle one) employed by: Green/Inc From: _____ to: _____

Position: _____ Time in Position: _____ Supervisor: _____

I hereby swear or affirm and say:

1. I am the project superintendent.
2. I have been in contact 20+ yrs.
3. I did not know they were digging
4. I was on a walk down in the
5. campus and gave the principal the
6. VA. when I came up and
7. came around the corner they were putting
8. the ladder in the hole I asked what
9. they were doing. He said we are checking
10. the foundation. I asked what was
11. the purpose of the ladder for. He said
12. we are going to shoot grade.

1. I said how he said he was going
2. down in the hole I told him
3. to tie a rope to the gate stick
4. And hold it then said to wait
5. instead of getting in the hole. He
6. proceeded to go down I proceeded
7. to the other end told him not
8. to go down. He was going down
9. I told him to stop. I did not see
10. it I had come to the trailer
11. to get the safety manual for paper
12. installation of an excavation.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Choose one of the first two (2) statements:

True Initial I have read and understand the foregoing statement of 3 pages. I have been given the opportunity to make corrections. Each page is numbered. I have initialed each correction and initialed or signed each page.

OR

____ Initial The foregoing statement of ____ pages has been read to me. I have been given the opportunity to make corrections. Any corrections have been read back to me. Each page is numbered. I have initialed each correction and initialed or signed each page.

AND

True Initial (Applies to all) I declare under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge. I understand it is a felony under 18 U.S.C. § 1001 to knowingly and willfully make a false statement or omit material facts in relation to a federal investigation.

Review this statement with each witness: I request that my statement be kept confidential to the extent allowed by law – OR – initial here _____ to waive confidentiality.

(b) (7)(C)

[Signature]
Signature of Interviewee

Date

1/11/19
Date



Receiving





CAT

Ring Power
1 888 748-7464
CAT Rental

JWJ02787

T-702

420F

DANGER / PELIGRO

DANGER / PELIGRO

DANGER / PELIGRO

DANGER / PELIGRO

DANGER / PELIGRO

DANGER / PELIGRO





Receiving

Ring Pot
1 888 748-XXXX

CAT

CAUTION

DANGER / PELIGRO

DANGER / PELIGRO





(b) (7)(C)







(b) (7)(C)





(b) (7)(C)

















(b) (7)(C)











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(b) (7)(C)

































(b) (7)(C)



DANGER / PELIGRO

DANGER / PELIGRO

DANGER





(b) (7)(C)

